

### **REMARKS**

In response to the Restriction Requirement dated August 4, 2006, Applicants through and by their representative, elect the inventions of Group 1, claims 1 and 7-9 drawn to an isolated nucleic acid having the sequence of SEQ ID NO: 1 and a recombinant DNA construct and cell containing said construct, for examination on the merits.

Applicants respectfully request rejoinder of the inventions of Group II, claims 2-4, and the inventions of Group V, claims 10-12, to the elected inventions. Applicants respectfully submit that claim 10, as presently amended, and claim 2, as originally presented, refer specifically back to the isolated nucleic acid sequence of claim 1 (SEQ ID NO: 1). Moreover, the method of claim 10 specifically references the expression product of claim 2.

As correctly pointed out in the Restriction Requirement, the inventions of Group II are directed to an expression product and the inventions of Group V are directed to a method of screening. However, the subject matter of these inventions is quite specific in scope. In particular, the expression products of Group II and the screening methods of Group V are predicated upon the information contained in the inventions of Group I, i.e., the inventions encompassed by Claims 2-4 and Claims 10-12 *require* the knowledge of the nucleic acid having the sequence of SEQ ID NO: 1, as is found in the inventions of Group 1.

Restriction may be required if two or more "independent and distinct" inventions are claimed in one application. The term "independent" means that the inventions are not dependent and there is no disclosed relationship between the inventions as claimed. In the present instance, Applicants submit that the inventions are not independent, as is evidenced by the claim terminology itself. For at least the reason that the inventions at issue are not independent, Applicants request rejoinder of the inventions of Group II and the inventions of Group V with the elected inventions of Group I.

Appl. No: 10/726,160  
Response Dated August 31, 2006  
Reply to Office Action of August 4, 2006


It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Harris is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this response to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.

8/31/06  
Date

  
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